

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:24-cr-00267-M-RN

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVAN CURTIS MORALES,

Defendant.

ORDER

The court takes up this matter sua sponte to consider whether Defendant is competent to proceed to trial. On October 30, 2024, Defendant filed a Motion to Determine Competency of Defendant, and on November 1, 2024, the court granted the motion. [DE 18, 20]. Defendant was initially committed to custody of the Attorney General, but the court later ordered that he be evaluated outside the custody of the Attorney General by Dawn Graney, Psy.D. [DE 32 at 2]. Dr. Graney submitted a forensic evaluation opining that Defendant is not competent to proceed to trial. [DE 33 at 21].

The court held a hearing on February 4, 2025, to consider Dr. Graney's evaluation. The parties stipulated to the accuracy and credibility of the report, and they both requested that Defendant be found incompetent and committed to the custody of the Attorney General for restoration proceedings.

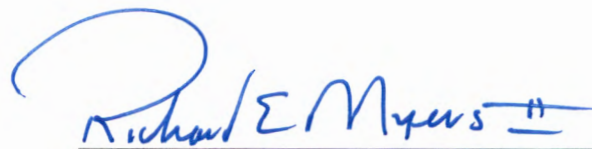
After careful consideration, the court finds by a preponderance of the evidence that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Accordingly, pursuant to 18 U.S.C.

§ 4241(d), he is COMMITTED to the custody of the Attorney General for a “reasonable period of time not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future, he will attain the capacity to permit the proceedings to go forward.” § 4241(d)(1). If, after four months, Defendant’s mental condition “has not so improved as to permit the proceedings to go forward,” he will be subject to the provisions of 18 U.S.C. §§ 4246 and 4248.

The court recommends that Defendant be treated at FCI Butner, as it is the facility in closest proximity to defense counsel, and Defendant’s previously described medical issues make travel particularly burdensome.

It is further ORDERED that the parties shall file a joint report on or before March 21, 2025, advising the court as to where Defendant has been designated and when he is expected to be admitted for treatment, if he has not been admitted already.

SO ORDERED this 4th day of February, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE